

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published March 15, 2005 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 22, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, March 22, 2005:

- C-3273 Commission Hearing Room, Lincoln. In the Matter of VCI
1:00 Company, d/b/a Vilaire Communication, Inc., Lakewood,
Washington, seeking a Certificate of Public Convenience and
Necessity as a local competitive exchange carrier in
Nebraska and seeking designation as an eligible telecommu-
nications carrier. Commissioner Rod Johnson presiding as
Hearing Officer.
- B-1395 Commission Hearing Room, Lincoln. In the Matter of Karibu
2:00 Enterprises, Inc., dba RT Round Trip Transport, Omaha.
Commissioner Boyle presiding as Hearing Officer.
- MCC-3154/
M-14110 Commission Hearing Room, Lincoln. In the Matter of Mark
2:30 Breiner, Director, Motor Transportation Department, vs.
Mike's Moving, Omaha. Commissioner Landis presiding as
Hearing Officer.

Wednesday, March 23, 2005:

- C-3344/
PI-92 Columbus Public Library, Columbus Room, Second Floor, 2504
10:00 14th Street, Columbus. Public Meeting. In the Matter of
the Commission, on its own motion, seeking comment on the
request by United Way of the Midlands to be assigned the
use of "211" in Boone, Nance, Platte and Colfax Counties
for access for First Call for Help (FCFH), a comprehensive
information and referral service.

COMMUNICATIONS DEPARTMENT

- AD-315r In the Matter of Linebarger, Groggan, Blair & Sampson,
LLP, Dallas, Texas, seeking to connect an automatic
dialing-announcing device: Motion made by Commissioner Lowell
Johnson, seconded by Commissioner Anne Boyle, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting
AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-316r In the Matter of Response Catalyst, Inc., Omaha, seeking to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

AD-317 In the Matter of Option One Mortgage Corporation, Irvine, California, seeking to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3307 In the Matter of Southwestern Bell Communications Services, d/b/a SBC Long Distance, Pleasanton, California, seeking approval of internal corporate reorganization and other related changes: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3324 In the Matter of the Petition of N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Fort Morgan, Colorado, for designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2). Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting a protective order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3327/
PI-90 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" for Adams, Clay, Nuckolls and Webster Counties to gain access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3331 In the Matter of BCN Telecom, Inc., Bedminster, New Jersey, seeking authority to operate as a resale common carrier of telecommunications services in the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3336 In the Matter of France Telecom Corporate Solutions, L.L.C. Herndon, Virginia, seeking authority to operate and offer resold local exchange and resold interexchange telecommunications services throughout the state of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3346 In the Matter of Teligent Service, Inc., Herndon, Virginia, seeking to withdraw its authority to provide local and interexchange telecommunications services within the state of Nebraska, previously granted in Docket C-2068: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order approving the motion to withdraw authority previously granted in C-2068. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3290 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its interconnection agreement pursuant of Section 252(i) of the Telecommunications Act of 1996, and adoption of the Triennial Review Order and USTA II Decision interconnection agreement previously granted in Docket C-3095 with Northstar Telecom, Inc., Fremont: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3332 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Implementation of Batch Hot Cut Process and Discounts Amendment to the Interconnection Agreement with OrbitCom, Inc., Sioux Falls, South Dakota, previously granted in Docket C-2867: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3333 In the Matter of United Telephone of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its Master Interconnection, Collocation and Resale Agreement with Action Communications, Inc., Scottsbluff: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3347 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Budget Phone, Inc., Shreveport, Louisiana, previously granted in Docket C-2774: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3348 In the Matter of Citizens Telecommunication Company, Burnsville, Minnesota, seeking an interconnection agreement for resale of local service with Global Connection, Inc. of America d/b/a GCIA Corp., Atlanta, Georgia: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3349 In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to the interconnection agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Mobius Communications Company, Hemingford, previously granted in Docket C-2637: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3350 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and USTA II Decision Amendment to the Interconnection Agreement with Mobius Communications Company, Hemingford, previously granted in Docket C-2637: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2066 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Thayer County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2070 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2073 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Jefferson County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3335 In the Matter of Qwest Communications Corporation (QCC), Denver, Colorado, seeking to remove restrictions of Commission order in Docket C-1839/PI-22: Gene Hand and Shana Knutson discussed the status of the docket and informed the Commission that a Petition for Informal Intervention was filed on March 22, 2005, by a group of carriers identifying themselves as the Rural Independent Companies.

Gene Hand informed the Commission that the FCC is seeking comment by interested parties on the "me too" petition filed by six VoIP service providers seeking direct access to NANPA numbering resources under the recent FCC Order 05-20, released February 1, 2005, which allowed SBC Internet Services to obtain NANP numbering resources directly from the NANPA or PA. The requesting companies are RNK Telecom, Nuvio, PointOne, Dialpad, Vonage, and VoEX. Comments are due April 11, 2005, with reply comments due April 26, 2005. Upon agreement of all Commissioners, all Commission staff will prepare and file comments consistent with comments filed in previous numbering proceedings.

Gene Hand informed the Commission of a fiber optic cable cut that occurred near Battle Creek on March 17, 2005. Toll, DSL, and some 911 services were interrupted southwest of Norfolk to Cody. Third Party digging prior to contacting the Diggers Hot Line is the suspected cause.

Gene Hand reported that the Federal Communications Commission (FCC) issued FCC 05-59, Sixth Report and Order, released on March 14, 2005 designating 811 as the National Abbreviated Dialing Code for One Call Notification. The FCC has determined that two years from publication in the Federal Register is a reasonable time period for implementing 811 (§32). The FCC has also delegated authority to the states to address the technical and operational issues associated with the implementation of 811 (§35). An order initiating the implementation will be opened after FCC 05-59 has been published in the Federal Register.

Gene Hand informed the Commission that a three-judge panel of the U.S. Court of Appeals in Washington today upheld the FCC's local number portability (LNP) rules but stayed imposition of its intermodal regulations on small carriers pending the Commission's completion of an analysis assessing their impact on those entities.

COMMUNICATIONS DEPARTMENT (Cont.)

Angela Melton reported on the status of the Nebraska Internet Enhancement Fund Grant Applications.

Don Gray informed of the Commission of the following items dealing with numbering resources and March 15, 2005, NANC meeting highlights:

North American Numbering Plan Administrator (NANPA) reported 403 Central Office codes were assigned in the US during February. This is the highest number of monthly assignments since January 2003 and is greater than the 2004 monthly average. Nebraska issued one Central Office code in February compared to the monthly average of 2.6 codes per month in 2004.

The Pooling Administrator (PA) reported 8.8% more blocks were issued in February compared to the blocks issued in January. The total blocks assigned in 2004 were 111% more than those assigned in 2003. Nebraska issued 4 blocks in February compared to the 2004 average of 7.3 blocks per month. Nebraska has requested the PA to notify us of Code Request for pool replenishment (carrier makes a request for blocks when there are none in the pool) so Commission staff can identify possible donations to the pool instead of using a code.

The following December 31, 2004, NRUF data was released March 15, 2005:

Area Code	June 2004	December 2004	Change
308			
TN Assigned	500,111	510,623	> 10,512
% Utilization	20 %	18 %	< 1 %
402			
TN Assigned	2,365,301	2,563,634	> 198,333
% Utilization	37 %	36 %	<2 %
Totals			
TN Assigned	2,865,412	3,074,257	> 208,845
% Utilization	33 %	31 %	< 2%

COMMUNICATIONS DEPARTMENT (Cont.)

New Exhaust Forecast for 308 and 402 will be released in mid-April after approval by the FCC. A graph of 308/402 Area Code Forecasted Exhaust dates was provided showing exhaust date of 308 continues to decline while the 402 code has held constant. Nebraska participated in a NANC Sub-committee on Safety Valve Issues to provide recommendations on the effective processing of Safety Valves by states. Primary issues focused on timely and effective communications between carriers and regulators when working safety valve issues. Recommended guidelines were provided to the NANC Chairman.

After spending considerable time investigating the Department of Navy's request for a full Area Code, which the Navy has now asked that all action be tabled for 90 days, the Future of Numbering Working Group has resumed evaluation the impact of VoIP on numbering resources. The FCC's waiver giving SBC-IS direct access to numbering resources, and the six "me too" petitions, is being given careful review.

The exact impact of VoIP on Nebraska resources is unknown, but it will be important for Commission staff to be knowledgeable and able to properly evaluate VoIP numbering issues.

UNIVERSAL SERVICE FUND

NUSF-1 In the Matter of the Commission, on its own motion, seeking
PO #5 to establish guidelines for administration of the Nebraska
 Universal Service Fund. Commissioner Vap presiding as
Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded
by Commissioner Frank Landis, to enter an order initiating a Show
Cause against Keystone-Arthur Telephone Company for the late-filed
EARN Form audit and schedule a hearing for May 11, 2005 at 2:00 p.m.
in the Commission Hearing Room, Lincoln. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and
Jerry Vap voting AYE.

NUSF-4 In the Matter of the Commission, on its own motion, seeking
 to determine the level of the fund necessary to carry out
the Nebraska Telecommunications Universal Service Fund Act beginning
July 1, 2005. Commissioner Landis presiding as Hearing Officer:
Motion made by Commissioner Rod Johnson, seconded by Commissioner
Frank Landis, to enter an order scheduling a hearing for May 11, 2005
at 2:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-32.04 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendants. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order initiating a Show Cause against Lightyear, Inc., MCI Worldcom Communications and Tracfone Wireless for failure to file yearly Remittance Worksheet audits and schedule a hearing for May 11, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-37.38 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. NUI Telecom, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order sustaining the complaint and setting an administrative fine. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-37.39 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. World-xChange, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order sustaining this complaint and setting an administrative fine. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-40/ In the Matter of the Commission, on its own motion, seeking
PI-86 to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order finding that NUSF surcharges should be assessed on private networks that use Voice Over Internet Protocol to provide services to the public, starting June 1, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to levy late fees against Granite Telecommunications, Sprint Communications, Sprint Spectrum PCS, Telenational Communications and Virgin Mobile USA and that the previously levied late fee of \$100.00 for GE Business Productivity Solutions for the December, 2004 date period, be waived. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-41 In the Matter of the Commission, on its own motion, seeking to investigate whether to assess the Nebraska Universal Service Fund surcharge on broadband services: Jeff Pursley discussed the Hearing Officer's Order of March 14, 2005 requesting interested parties to file post-hearing briefs or proposed orders on or before April 7, 2005.

Jeff Pursley discussed the letter received from Dave Glover regarding the Nebraska Statewide Telehealth Network.

Jeff Pursley discussed the March 10, 2005 memorandum to Nebraska Eligible Telecommunications Carriers (ETCs) regarding Lifeline/Linkup, now known as Nebraska Telephone Assistance Program, in Tribal Areas.

Jeff Pursley discussed a proposed News Release to invite applicants to fill two positions on the Nebraska Universal Service Fund Advisory Board.

E911 DEPARTMENT

WSP-009.2 In the Matter of Nebraska Colorado-Cellular, d/b/a Viaero Wireless, Grand Island, seeking funding approval for recurring and nonrecurring costs for enhanced wireless 911 service: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

WSP-011.1 In the Matter of US Cellular, Chicago, Illinois, seeking requisite filings for funding from Enhanced Wireless 911 Fund: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

WSP-011.2 In the Matter of US Cellular, Chicago, Illinois, seeking funding approval for recurring and non-recurring cost for enhanced wireless 911 service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-039.1 In the Matter of the Norfolk Police Department, Norfolk, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E911 DEPARTMENT (Cont.)

PSAP-041 In the Matter of Seward County, Seward, seeking funding approval for recurring and non-recurring costs associated with implementation of Wireless E911: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-041.1 In the Matter of Seward County, Seward, seeking approval of additional funding for costs of Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-042 In the Matter of Wayne County, Wayne, seeking funding approval for recurring and non-recurring costs associated with implementation of Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

P-0008 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Sec. 57-1306 - Stonecrest/Meridian Park Subdivision. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the Motion for Clarification filed by Aquila on March 7, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

GW-279 In the Matter of Farmers Cooperative, Dorchester: John Fecht discussed the shortage of oats.

GW-1599 In the Matter of John A. Fecht, Director, Grain Warehouse
GWC-396 Department, Complainant v. Alvo Grain and Feed, Inc., Alvo, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an Order approving a Stipulation, dismissing the complaint and canceling the hearing scheduled for March 29, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht
GWC-397 discussed the progress of the claims and load-out.

Grain Dealer Division

GD-681 In the Matter of Employers Mutual Casualty Company seeking
 cancellation of its Continuous Grain Dealer Bond No.
S29 81 05 in the amount of \$189,000.00, issued on behalf of Farmers
Union Cooperative Company of Guide Rock: The bond was cancelled
effective March 1, 2005.

Commissioner Rod Johnson will preside as Hearing Office in
the following dockets scheduled for hearing on April 19, 2005:

GD-2738 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-399 Department, Complainant, v. Helena Chemical Company
 Petersburg, Defendant:

GD-2826 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-402 Department, Complainant, v. Cooperative Marketing Alliance,
 Inc. dba CoMark, Memphis, Tennessee:

GD-2834 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-400 Department, Complainant, v. FGDI Grain, L.L.C., Des Moines,
 Iowa:

GD-2860 In the Matter of John A. Fecht, Director, Grain Warehouse
GDC-401 Department, Complainant, v. Huron Commodities, Inc.,
 Clinton, Ontario, Canada:

TRANSPORTATION DEPARTMENT

B-1504 In the Matter of BJ Tours, Inc., Atkinson, seeking revoca-
 tion and cancellation of the common carrier authority in
Certificate B-1504: Motion made by Commissioner Rod Johnson, seconded
by Commissioner Lowell Johnson, to enter an order to grant the revoca-
tion and revoke the authority in Certificate B-1504. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE.

B-1554 In the Matter of DJW, Inc., dba Luxury Limousine, Syracuse,
 seeking to extend its authority: Mark Breiner informed the
Commission that the application was resolved and the matter will pro-
ceed on a modified basis.

TRANSPORTATION DEPARTMENT (Cont.)

B-1651 In the Matter of Eagle One Shuttle, Omaha, seeking authority as a common carrier in open class service in the transportation of passengers and their baggage by vans between points in Cass, Saunders, Dodge, Washington and Otoe counties, on the one hand, and, on the other hand, points between said counties and Eppeley Airfield over irregular routes: RESTRICTIONS: (1) Service between Cass, Saunders, Dodge, Washington and Otoe counties to and from Eppeley Airfield will only be made by a prearranged reservation. The service will not accommodate persons from Eppeley Airfield to said counties who have not made previous arrangements for such transportation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

B-1652 In the Matter of Rhonda Turner, dba Wesson's Reliable Transportation, Omaha, seeking authority as a common carrier in the transportation of passengers and their baggage in open class service by vans between points in Douglas and Sarpy counties on the one hand, and, on the other hand, points between said counties. To include the transportation of Health and Human Resource clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

M-12964 In the Matter of Shippers Transportation, Inc., Grand Island, seeking to suspend its certificate: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order suspending the certificate in M-12964 until February 28, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Rate Division

BR-302 In the Matter of Midwest Special Services, Inc., Curtis, seeking authority to amend its rates for its use: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order to grant the application as amended on an emergency basis. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

TRANSPORTATION DEPARTMENT (Cont.)

TR-140 In the Matter of BJZ, Inc., dba Checker Cab Company, Norfolk, seeking authority to amend its taxi rates for its Use: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

TR-141 In the Matter of Daniel W. Sindt and Susan L. Sindt, dba Kearney Cab Company, Kearney, seeking authority to amend its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

TR-142 In the Matter of Happy Cab, Yellow Cab, Checker Cab, and Cornhusker Cab, Lincoln, seeking authority to adjust its rates and Charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Commissioner Rod Johnson exited the Hearing Room.

MR-1020 In the Matter of Portable Storage of Nebraska, LLC, Omaha, seeking authority to amend Nebraska Tariff 7F and 22. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to continue the hearing previously scheduled for March 22, 2005, to a date later to be determined. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

MR-1020/ In the Matter of the Commission, on its own motion, seeking
PI-94 to investigate whether the Commission has jurisdiction to regulate Portable Storage of Nebraska, LLC, dba PODS, Omaha: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order opening the docket, requesting written comments, and scheduling a public hearing for April 20, 2005, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

BR-299 In the Matter of A-1 Transportation LLC, dba A-1 Special Services, Lincoln, seeking authority to establish open class rates for its use: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GENERAL ADMINISTRATION

Commissioner Frank Landis exited the Commission Hearing Room.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

DAS Materiel - Office Supplies	\$ 1,173.87
DAS Materiel - Postage	898.10
DAS Materiel - Printing	778.03
HHS Finance & Support	530.99
HHS Finance & Support	1,339.76
University of Nebraska-Bureau of Business Research	12,908.25
Kelly Services	625.63
Lustre - Cal	1958.32
Voyager	795.98
Donald Gray	655.38
Gerald Vap	761.44

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGN Sales	322.55
Aksarben TDD Service	1,000.00
Alternative Hearing	509.00
Associated Hearing Health Care	815.00
Audiology Services & HAC, PC	199.95
Bosler Hearing Aid Center	442.00
Grand Island Hearing Aid	1,524.00
Hearing Aid Specialists, Inc.	1,266.75
Hearing Clinic Inc.	805.00
Carl A. Johnson	1,443.40
Johnson Hearing Aid Service	401.62
K-D Communications	981.85
Professional Hearing Aid Services	1,299.60
Sherard Hearing Aid Center	962.30
Weitbrecht Communications	1,626.00
Western ENT Associates	299.90

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve Commission minutes for the month of February. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioners Rod Johnson, and Frank Landis Excused Not Voting. The Commission went into closed session at 11:15 a.m.

Commissioner Rod Johnson returned to the Commission Hearing Room.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting. The Commission went into open session at 11:30 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to ratify the hiring of two former Humbolt Elevator employees, Weldon Dettman and Richard Schultz, effective February 28, 2005, with continued employment for purposes of moving grain from the elevator until the job is complete. The original hiring was approved by Andy Pollock on March 15, 2005, after consultation with Cindy Janssen at the State Auditor's Office. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 46 cents per mile.

The meeting adjourned at 11:35 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on April 5, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 4, 2005.

Chairman

Executive Director